IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Yates. et al.   §   ART UNIT:
                                      §   1834

FILED: March 25, 2004   §

SERIAL NO.: 10/809,757   §   EXAMINER:
                                      §   Switzer, J. C.

FOR: Real-Time Polymerase Chain Reaction-   §
      Based Genotyping Assay for Single   §   DOCKET:
      Nucleotide Polymorphism   §   D6502

MS NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.132

Dear Sir:

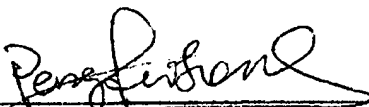   I, **Pengfei Song**, hereby state as follows:

    I am an inventor of the subject matter claimed in the above-referenced U.S. patent application Serial No. 10/809,757. In the Office Action, mailed March 28, 2005, an issue regarding the patentability of the subject matter claimed in the above-referenced U.S. patent application Serial No. 10/809,757 is the Song *et al.* reference (*AAPS PharmSci 2002;* 4(4) article 29; 1-6, October 2, 2002) cited as anticipating claims 4 and 17 under 35 USC §102(a).

    The paper by Song *et al.* was published by myself and co-inventor Charles Yates, as well as co-authors who were not inventors of the subject matter disclosed in the above-referenced application, i.e. Shen Li, Bernd Meibohm, A Osama Gaber, Marsha R. Honaker and Malak Kotb. Applicant avers in this Declaration that I am a true inventor of the subject matter described by the above-

referenced application and that Shen Li, Bernd Meibohm, A. Osama Gaber, Marsha R. Honaker and Malak Kotb merely were working under my direction and/or merely providing technical assistance.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

DATE: 06/15/05

Pengfei Song